

Mr. George D. Clyde stated that in his opinion the State can get lined-up within 1 or 2 years to definitely determine the development which will be made on the Bear River. At the present time work is being done on the South Cache project, the Upper Bear River project and the Bear River project. Mr. Clyde pointed out that both the Bureau of Reclamation and the Utah Water and Power Board have been severely criticized in the past for filing applications to appropriate water where they didn't know the location of the point of diversion. If the status of the Bear River can be held as is, such that the investigations can be continued for a short time, the locations of the points of diversions can then be pin-pointed. Mr. Clyde further stated that investigations have been made for years and we are now approaching a final determination. It would be unwise to arbitrarily file the necessary applications with the end so near.

Mr. Clyde then posed the question as to whether it is possible to restore only the underground water. Mr. Porter stated that a serious legal question exists as to whether the underground water was ever withdrawn. An unconditional restoration of only underground water would be an admission that the underground water has always been withdrawn and all applications which have been filed and approved during the period may be null and void. If a declaration is made that such underground water has never been withdrawn, which declaration would be included in the total restoration, the chances are that no problem would ever arise with respect to the underground water. If, however, a separate declaration by means of a restoration proclamation covering only underground water was made, it may open the door to unlimited conflict with respect to the question involved. Mr. Porter continued by stating that the original withdrawal proclamation temporarily suspended the right of the public to appropriate water from the Bear River. Since approximately 17 years have gone by it may be very difficult to sustain such proclamation. Mr. Clyde stated that he can see no harm in throwing open to appropriation the ground water. Mr. Clyde is reluctant to recommend restoration of the surface water since the investigations are almost to the point where the reservoir sites can be pin-pointed.

In answer to a series of questions, Mr. Thomas stated that the Bureau of Reclamation knows which reservoir sites are feasible. The exact location of the impounding dams are not known at this time. In answer to a question posed by Mr. Clyde, Mr. Thomas stated that with respect to the Upper Bear River project and the South Cache project reports will be available at the end of the fiscal year. With respect to the Bear River project the report will not be available for an additional two years. The Reservoir sites cannot be pin-pointed until the foregoing reports are complete.

Mr. Larson then stated that with respect to the Cutler Dam it has not been determined whether to raise the existing Cutler Dam or to build a new dam immediately above or below. It may be possible to make an application to fit all three conditions. With respect to the Porcupine Site on the Little Bear, Mr. Larson stated that a determination can be made within two months as to whether the application presently filed to cover the Porcupine Site is correct. It was pointed out that there is no problem with respect to the Hardware Site on the Blacksmith Fork River since the Blacksmith Fork River has been open to appropriation since 1949. Mr. Larson continued by stating that with respect to the projects contemplated for Rich County, an examination of the possibilities can be made. If three possibilities are chosen, three applications could be filed and when the proper one has been established, only one application would be allowed.